

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

COMANCHE NATION,	)	
OKLAHOMA,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	Case No. CIV-05-328-F
	)	
UNITED STATES OF AMERICA,	)	
et al.,	)	
	)	
Defendants.	)	

**ORDER**

This matter came before the court for hearing on Friday, May 6, 2005, on plaintiff, Comanche Nation's Motion for Temporary Restraining Order and Preliminary Injunction Staying Agency Pending Review, filed March 31, 2005 (docket entry no. 8).

In the motion, plaintiff requests the court to enter a temporary restraining order and preliminary injunction enjoining defendants from approving and publishing any Class III gaming compact for gaming on Comanche Allotment 2329. For the reasons stated on the record, the court did not, at the hearing, address and adjudicate plaintiff Comanche Nation's preliminary injunction motion. The court did, however, rule on plaintiff's motion for a temporary restraining order.

For the reasons specifically stated on the record, the court finds that a temporary restraining order should issue in favor of plaintiff. As it appears from the record that approval of the Class III gaming compact has already occurred, defendants shall be restrained from publishing notice of approval of the Class III gaming compact

between the State of Oklahoma and the Fort Sill Apache Tribe of Oklahoma in the Federal Register.

Pursuant to Fed. R. Civ. P. 65(c), the court finds that the appropriate amount of the security to be posted by the plaintiff, as required by Rule 65(c), conditioned as set forth in that rule, shall be the sum of \$50,000, secured by a surety bond in that amount, issued by a corporate surety on the Court Clerk's list of approved sureties (or secured by a cash deposit in the amount of \$50,000, as plaintiff may elect). (If this temporary restraining order is extended as and to the extent permitted by Rule 65, a replacement bond in a correspondingly higher amount may be required. If the court enters a preliminary injunction, the amount of the required bond will likely be in the \$1,000,000 range.) Immediate posting of the bond is waived. The restraint of this order shall expire without further action by the court if the \$50,000 security is not posted by way of a surety bond, or deposited in cash in the registry of the court, by 5:00 p.m. on May 11, 2005.

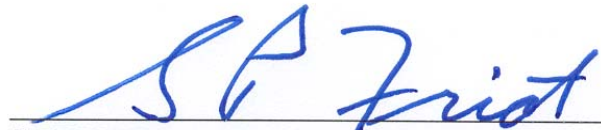
ACCORDINGLY, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendants are restrained from publishing any notice of approval of the Class III gaming compact between the State of Oklahoma and the Fort Sill Apache Tribe of Oklahoma in the Federal Register.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the restraint of this order shall remain in full force and effect for ten days from this date as provided by Fed. R. Civ. P. 65(b). At the end of ten days, the court will determine whether good cause exists for an extension for a like period and shall set forth in writing its reasons for the extension.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that plaintiff shall provide security as set forth above, conditioned as set forth in Rule 65(c), in the sum of \$50,000.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that a hearing on plaintiff's preliminary injunction motion will be scheduled at a later date.

Dated May 6, 2005. Entered as of the time recorded in the ECF system.

  
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STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE

05-328p010 (pub).wpd